Supreme Court of the Unit tates

(3)

Kelleh Konteh
(Petitioner)

No. 06-592

v.

Christopher Bell
(Respondent)

RESPONDENTS MOTION IN OPPOSITION

In April 2001 Respondent Bell filed (Bell v. Konteh et al.,) with the Youngstown,Ohio District Court for the Northern District of Ohio. Respondent challenged violations of his conditions of confinement within the guaranteed protections of the Eighth Amendment (cruel and unusual) and First Amendment (free speech) . At this time of the filing of (Bell v. Konteh) he (Respondent) was no longer housed at Trumbull Correctional Institution which is where the violations occured. Respondent was housed at Grafton Correctional Institution. In Respondent's original filings he described being terrorized and mistreated by several correctional officials for over a period of two years. Respondent asserted that several correctional officials maliciously and intentionally targeted him for mistreatment motivated by Respondents participation in protected conduct, (i.e., filing complaints) . Six months after Respondent filed (Bell v. Konteh) Respondent was subjected to a conspiratorial transfer back to Trumbull Correctional Institution (October 31,2001) . In November 2001 the U.S. District Court Magistrate Judge dismissed the Respondents case in it's entirety due to the fact that the Respondent had failed to respond or prosecute his claims. The case (Bell v. Konteh) was reinstated in January 2002 after the U.S. District Court for the Northern District Court realized that Prison Officials at Trumbull Correctional Institution was with-holding Respondents incoming court correspondences

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which was why Respondent had failed to respond to adverse motions filed by the Defendants.
Defendant Shawn Polmar was dismissed as a defendant by the U.S District Court due to the fact that the statute of limitations had elapsed thus time ran out. The only claim remaining was the Eighth Amendment violations for failure to protect against Defendant Kelleh Konteh and Carl Schaffer.

Respondent based his failure to protect against both Defendant Konteh and Schaffer after Defendant Warden Kelleh Konteh issued an order on or about May 25th1999 to have the Respondent moved to an housing unit with Prisoners in which the Respondent should have been separated from at all times due to an existing threat to the safety of the Respondent. When the Respondents Unit Manager and Case Manager explained to Defendant Warden Kelleh Konteh the reasons why Respondent should not be moved that Unit Defendant Konteh ignored Respondents Unit Staff and then ignored the Respondent pleas while the Respondent explained to the Defendant Konteh that his life would be in danger if he was forced to be Moved to Unit-B. After being forced to be moved to Unit-B Respondent was attacked and beated, stomped by several Prisoners. Respondent suffered injuries and was medically treated. While at the Prison Infirmary Defendant Schaffer became aware of Respondents injuries and cause of injuries. Defendant Schaffer refused to take any corrective measures to enhance the Respondents safety.

The Respondents family notified the Department of Rehabilitation and Correction and alerted the Department of Corrections of the entire situation. The Department of Rehabilitation and Correction notified Defendant Kelleh Konteh and inquired about the assaults which were reported by the Respondent. Defendant Warden Konteh told the Department of Rehabilitation and Correction that there was nothing wrong with the Respondent and that he had no injuries. After that horrrendous lie told by the Defendant Warden

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Konteh to the Supervisors of the Department of Rehabilitation and Correction Respondent was forced to return right back to the same Housing Unit in which he had been beaten previously mercilessly.

The Petitioners are arguing before the United States Supreme Court that the Respondent failed to exhaust his administrative Remedies as are defined in §1997(e)(a) Civil Rights Of INstititiopnalized Persons Act, and Browns v. Toombs 113 F.3d 1102 ,1004 (6th Cir. 1998); exhasution of administrative remedies.

Upon the initial filing of (Bell v. Konteh) Respondent did attached his grievances and responses with his 42 §1983 against Defendant Warden Konteh. In the State of Ohio(more specifically) the Department of Rehabilitation and Correction require that when a Prisoner is filing a grievance /complaint against the Warden or Institutional Inspector of any Ohio institution or prison facility the Prisonronly need to file a grievance directly to the Chief Inspector at the Ohio Department of Rehabilitation and Correction. The Respondent went even further by filing complaints to the Correction Institution Inspection Committee in concern of the Defendant Konteh's failure to protect the Respondent. (see attached Grievance Procedure AR 5120-9-31) promulgated by the Department of Rehabilitation and Correction.

Petitioners are also arguing the the Respondent should've cited law language within his grievance as oppose to just simply and clearly stating the entire May 25,1999 assault in which the Defendant Warden Konteh had caused and completely responsible for the May 25,1999 assault on the Respondent. According to the Prison Litigation Reform Act, grievances must contain the sort of information that the administrative system requires ; it is up to the administrators to determine what is necessary to handle grievances effectively and the only constraint is that no prison system may establish a requirement inconsistent with federal policy. 42 U.S.C.A. §1983 ; Civil Rights of Institutionalized Perosns Act,§7(a), 42 U.S.C.A. §1997e(a).

There is no claim inserted in the Petitioners certiorari which indicates or challenges nor accuses the Respondent of not complying with the Federal guidelines as is stipulated in 42 U.S.C.A. §1983 ;Civil RIghts of Institutionalized Persons §7(a) 42 U.S.C.A. §1997e(a) and for that reason the the Petitioners certiorari and claims should be denied.

Respectfully submitted,

Mr.Christopher D.Bell A240-363
Ross Correctional Institution
P.O. Box 7010
Chillicothe,Ohio 45601

CERTIFICATE OF SERVICE

I certify that a corect and true copy of the Respondents Motion in Opposition was mailed to the Pertititoners Mr. Stephen P.Carney Office of the Atty.Generals Office 30 East Broad Street, 17th Floor Columbus,Ohio 54215-3428 by ordinary U.S. amil on November 22nd 06

Mr.Christopher D.VBell